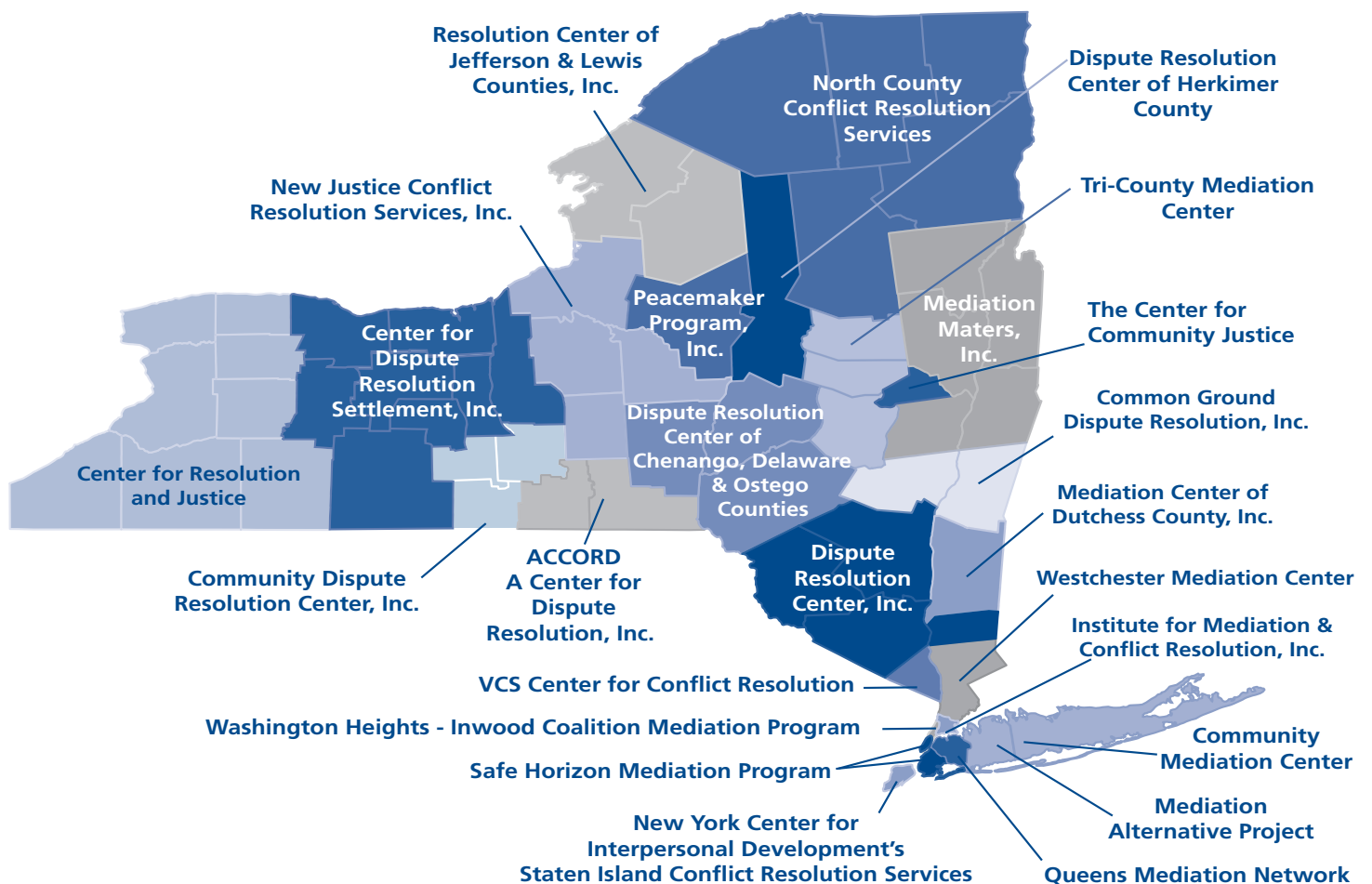


NEW YORK STATE UNIFIED COURT SYSTEM

Community Dispute Resolution Centers Program

ANNUAL REPORT

2007-2008



New York State's Community Dispute Resolution Centers

The Office of Alternative Dispute Resolution and Court Improvement Programs compiles a Directory of Providers that contains more detailed information about each of the CDRCs. The Directory can be found at:

www.nycourts.gov/ip/adr/DirectoryofProviders.pdf

*State of New York
Unified Court System*



*Ann Pfau
Chief Administrative Judge*

*25 Beaver Street
New York, N.Y. 10004
(212) 428-2100*

December 15, 2008

Hon. David A. Paterson
Governor of the State of New York
Executive Chamber
State Capitol
Albany, NY 12224

Dear Governor Paterson:

Pursuant to Chapter 524 of the Laws of 2005, I transmit the annual report of the activities of the Community Dispute Resolution Centers Program covering fiscal period April 1, 2007, to March 31, 2008.

The Community Dispute Resolution Centers Program, now in its 27th year, is available as an alternative to formal court proceedings to every citizen in the 62 New York counties. The New York State Unified Court System is grateful to the almost 1,500 professionally-trained volunteer mediators across our state in conjunction with Community Dispute Resolution Center staff, who help parties communicate, allowing them to resolve their conflicts in a peaceful and meaningful way.

Your support of this valuable program is greatly appreciated. We look forward to working with you in serving the people of the State of New York.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ann Pfau".

Ann Pfau

Enclosure

New York State Unified Court System

HON. JUDITH S. KAYE

Chief Judge of the State of New York

HON. ANN PFAU

Chief Administrative Judge

Office of Court Administration

LAWRENCE K. MARKS, ESQ.

Administrative Director

RONALD P. YOUNKINS, ESQ.

Chief of Operations

Division of Court Operations

NANCY M. MANGOLD

Director

DANIEL M. WEITZ, ESQ.

Deputy Director

Office of Alternative Dispute Resolution & Court Improvement Programs

DANIEL M. WEITZ, ESQ.

Coordinator

MARK V. COLLINS

Assistant Coordinator

A MESSAGE FROM THE COORDINATOR

I am pleased to report on just a few of this year's achievements made possible through our partnership with Community Dispute Resolution Centers (CDRCs) across the state. This year, CDRCs served 96,791 individuals and screened 37,949 cases, resulting in 20,612 mediations and other dispute resolution processes. This report describes our efforts to increase organizational capacity, support mediator excellence and expand services to new populations during the fiscal year ending March 31, 2008.

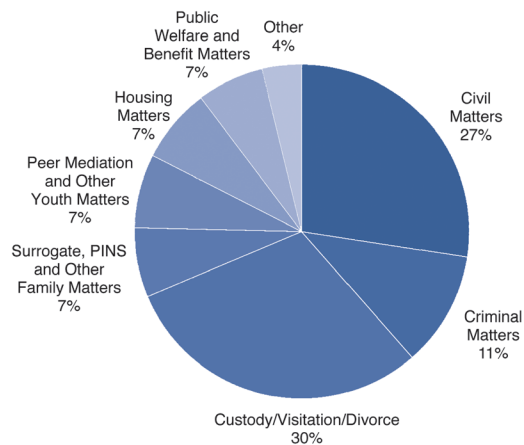
CDRCs throughout the state, in collaboration with our office, have worked to enhance existing programs while also expanding their scope of work to new areas. In more than 20 counties, CDRCs have established programs that allow elder adults to make decisions while preserving family relationships. A number of initiatives have focused on addressing the needs of youth, including custody and visitation reforms, permanency mediation, truancy prevention mediation, and PINS diversion services. In the last year, the agricultural mediation program has served more farmers and members of the agricultural community than ever before.

We have continued to support the professional growth of the dedicated volunteers who mediate for CDRCs by providing educational opportunities. By developing and certifying mediation trainers, we have also promoted ongoing learning and quality practice. The Mediator Ethics Advisory Committee has furthered these goals by offering guidance on challenging ethical questions for mediators.

We have invested in CDRCs' organizational capacity through grants and training opportunities. Fundraising and succession planning trainings, where CDRC staff had the opportunity to learn from national experts and one another, have addressed key organizational development topics. We have also provided focused grants for program development and organizational infrastructure.

The accomplishments outlined in this report reflect our intent to build an even stronger network of CDRCs and maintain our national reputation for excellence in the provision of community dispute resolution services. As you may notice, we made significant changes to this year's report including the use of a more engaging format. Many pages list contacts and resources for those who are interested in obtaining additional information. We look forward to your feedback.

What Situations Bring People to Mediation



Daniel Weitz

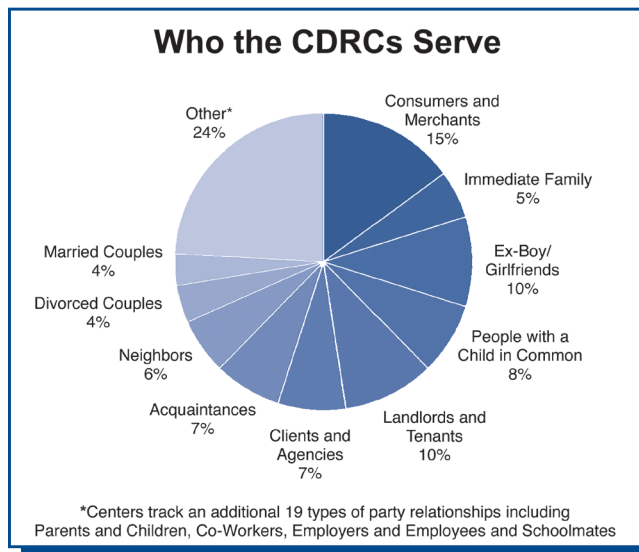
WHO WE ARE

The Community Dispute Resolution Centers Program (CDRCP) is a program of the New York State Unified Court System's Office of Alternative Dispute Resolution and Court Improvement Programs (ADRCIP). The goal of the CDRCP is to provide access for all New Yorkers to affordable or free alternative dispute resolution services such as mediation and arbitration. Established in 1981, the CDRCP funds independent not-for-profit agencies – Community Dispute Resolution Centers (CDRCs) – in every county of New York State. These agencies received \$8,746,713 between April 2007 and March 2008, including funds from local judicial districts.

Many common types of disputes, such as neighbor disagreements, custody and visitation arrangements, and landlord-tenant issues, are well suited to mediation. While many people who have filed in court for these issues are referred to mediation, any New Yorker, regardless of whether he or she has a case pending in court, may use the services of the CDRCs in his or her local area.

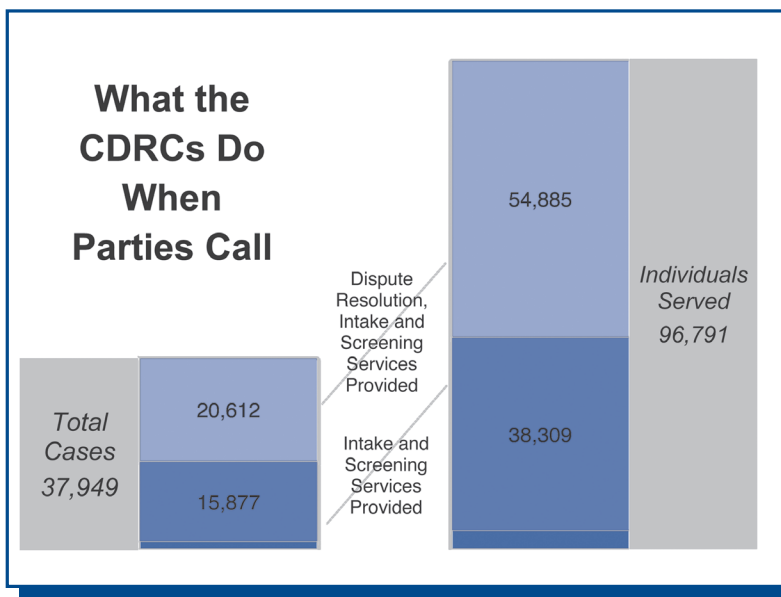
Once a CDRC becomes aware of a dispute, either by walk-in or referral, CDRC staff members conduct interviews with the parties to explain the mediation process and give parties an opportunity to talk about their conflict. Each case is also carefully screened to ensure that the matter is appropriate for dispute resolution services. Of the 37,949 cases referred to CDRCs this year, 1,460 were found to be inappropriate. After intake, each person involved in the case voluntarily decides whether to participate in a dispute resolution process. As this chart shows, more than half of the people who contacted CDRCs this year participated in a dispute resolution process.

The vast majority of cases handled by CDRCs are mediated by volunteers. In order to ensure that these volunteer community mediators are taught a core curriculum statewide, the CDRCP certifies trainers to provide Initial Mediation Training and Custody and Visitation Mediation Training. Volunteers must complete both training and an apprenticeship before mediating cases (for more information, see p.14).



“Coming to mediation was the best thing we could have done.”

– **MEDIATION PARTICIPANT FROM THE CENTER FOR DISPUTE SETTLEMENT, INC.**



FOCUSED EFFORTS

CDRCs have a long history of helping family courts by assisting those families involved in custody and visitation conflicts. This year, CDRCs statewide screened 10,800 of these cases, resulting in 4,982 dispute resolution processes. CDRCs provided services in more custody visitation cases than in any other type of case (for more information, see the chart on p.3). Two of the following sections describe how CDRCs and family courts have been working together on innovative new programs that have improved outcomes for families and increased the use of mediation.

CUSTODY AND VISITATION INITIATIVES: PUTTING CHILDREN FIRST

When custody and visitation battles go on for months – or even years – the effect on children can be dramatic. Often, parents are not aware of the services that may be available to help them through a separation, divorce or change in custody and visitation. In some courts, though, parties in these cases undergo screening about their conflicts and can utilize the many services available early on.

Starting in 2006 in Erie, Tompkins and Nassau counties, the Unified Court System implemented the Children Come First pilot program. The program promotes a child-centered approach to custody matters through early screening of cases and timely referral to appropriate services including mediation, parenting education, counseling and parenting coordination. Results from the pilot demonstrate that this approach has led to faster and less acrimonious resolutions of many parenting disputes as well as an increased use of mediation.

In Tompkins County, referrals to mediation for custody and visitation cases have doubled since the start of the Children Come First pilot.

In the Children Come First pilot counties, court-employed social workers meet with the parties and then provide the judge with a brief classification of the parties' level of conflict. The social worker then quickly connects families with services appropriate to their circumstances. The goal of the pilot is to increase positive outcomes for families. In Tompkins County, one way this has been achieved is through increased referrals to mediation; by doubling referrals, Family Court has given more parents a chance to create their own custody and visitation arrangements.

Judge Craig Doran, the Seventh Judicial District Supervising Judge for Family Courts, has seen the power of mediation for parents. This year, Judge Doran initiated an independent pilot program in Monroe and Ontario counties, implemented by the Center for Dispute Settlement (CDS). The pilot program seeks to reduce the number of times parents have to appear in court while simultaneously increasing the use of mediation services.

"We get a number of comments regarding the value of mediation. My favorite is what a woman in a rather contentious custody and visitation mediation said when it was over and they signed the agreement, "Wow, I'm impressed with us. We did great."

– JENNY BESCH, PROGRAM DIRECTOR FOR THE WESTCHESTER MEDIATION CENTER

After parties file in Family Court, their case is screened for eligibility for the pilot. If eligible, the parents each receive a letter from Family Court with a scheduled date for an intake and screening appointment at CDS. At the appointment, parties learn more about mediation and have the opportunity to talk privately and in-depth with CDS staff about their situation. Since participation in mediation is voluntary, parties choose whether to participate after the interview.

When parents reach an agreement in mediation, a designated judge in each county reviews their agreement prior to converting that agreement into a court order. Since the inception of this pilot, the number of cases referred for mediation has increased by 59% in Ontario County and 38% in Monroe County. The pilot is scheduled to be assessed in September 2009, and if the assessment is favorable, this approach will likely be expanded to other counties in the Seventh Judicial District.

success story

A family court clerk listened to a familiar story from a woman calling to find out how to file for sole custody of her son. She explained that she and her husband had separated, and every time they tried to talk about arrangements for their son, the conversations ended in yelling and crying. The court clerk suggested that the woman contact the Community Dispute Resolution Center (CDRC, Inc.).

The woman called CDRC, and she had a chance to explain her frustration with her husband. A CDRC staff member described mediation to her and contacted her husband. He, too, talked about his frustration with his wife, saying that every time he tried to negotiate an arrangement for their son, she broke down in tears.

Both parents were reluctant to consider mediation. They had each been told by friends that court was the best way to get what you want. Both were worried about their own abilities to be good parents and were concerned that the other parent would be even less effective. They agreed to try mediation after they were reassured that the process was confidential and that they could still go to court if mediation didn't work for them.

At the mediation, both parents asserted their own parenting competence and questioned the other's, but as the mediator reflected the care each expressed for their son, both parents began to acknowledge their shared concern about the effect of their situation on their young son.

They started to talk more honestly about their own fears. After two and a half hours, the parents agreed on an arrangement to share responsibility for their son and increase their parenting skills. After the mediation session, both parents expressed appreciation for the process. For each of them, mediation helped them understand the other parent's feelings and become aware that they shared the same concerns and fears about their son.

ON THE PATH TO SAFETY, PERMANENCY AND WELL-BEING

Each child who is placed in foster care due to abuse or maltreatment must, according to Federal and State law, have a plan for permanency which can include returning the child or children to his or her biological parents, adoption or another permanent planned living arrangement. The Family Court is required to approve and monitor progress toward implementation of this plan. Because of the complex issues and number of people involved in these cases, mediation provides an ideal forum to facilitate the efforts of family members, caseworkers and legal professionals to create and implement a collaborative plan as an adjunct to the formal court process. The goal is to promote communication between the parties to ensure children's needs are met while in foster care and expedite their movement to a safe and permanent home.

ADRCIP began funding mediation for permanency planning with the Office of Children and Family Services (OCFS) and the Permanent Judicial Commission on Justice for Children in 2004. Since the pilot period in 2004, the caseload for this highly effective program has quadrupled to 439 cases this year. Today, ADRCIP funds permanency mediation programs in Albany, Chemung, Erie, Niagara, Orange and Oneida counties and provides technical assistance to the New York City Family Court's citywide permanency mediation project.

For more information about permanency mediation, contact Frank Woods.

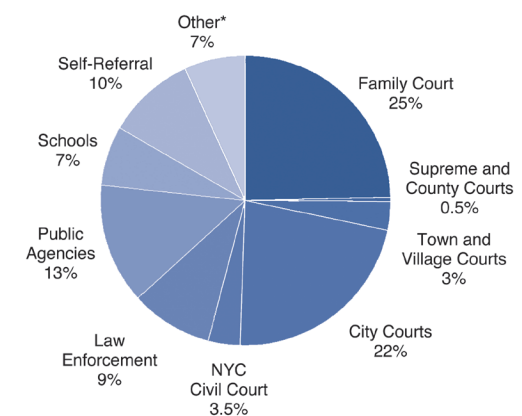
TOWN AND VILLAGE COURTS OPEN DOORS TO CDRCs

Historically, Town and Village Courts, along with City Courts, were among the first to refer cases to CDRCs for mediation services. Building on this long-standing relationship, ADRCIP and CDRC staff devoted time this year to continue increasing referrals.

Both ADRCIP and CDRC staff presented at state and local magistrates meetings to discuss how the CDRCs can be an effective and complimentary resource for their work. ADRCIP participated in the Town and Village Satellite Teleconference training events to help disseminate information to judges and also worked with the NYS Unified Court System's City, Town and Village Courts Resource Center staff to publish an article in the "The Magistrate."

Significant time was also dedicated to this topic at the May 2007 CDRCP Directors Meeting. Julie Davies from North Country Conflict Resolution Services, serving the Northern New York region in the Adirondacks, presented on the program model that has been implemented in more than 38 Town and Village Courts in their region. Jim Waight from the Center for Dispute Settlement and Donna Ramlow from the Dispute Resolution Center, Inc. also joined a panel to discuss their successful initiatives with these courts. Additionally, Paul Toomey and Maryrita Dobieli, of the City, Town and Village Courts Resource Center, presented on further opportunities and strategies for expanding referrals from local courts.

How People Get to Mediation



*Centers track an additional eight types of referral sources including Legal Aid, Private Attorneys, Attorneys for the Children, Public Defenders and Businesses & Corporations

**217 = Number of Town and Village Courts
Making Referrals to CDRCs This Year**

This year, Town and Village courts referred 1,213 unique cases to CDRCs, ranging from small claims matters to juvenile delinquency cases. By offering services at nearly all levels of the multilayered New York court system, the CDRCs provide true access for all New Yorkers.

CDRCs BRIDGE GENERATIONS

JUVENILE JUSTICE AND EDUCATIONAL PROGRAMMING

Each year, CDRCs serve thousands of young people and their families through juvenile justice and educational programming. In support of this work, ADRCIP sponsored two-day trainings in September for CDRC staff on the evidence-based Truancy Prevention through Mediation Project administered by the Ohio Supreme Court Commission on Dispute Resolution and Conflict Management. Nearly all the CDRCs were represented at the trainings presented by Randy Fisher and Tammy Martin-Kozier. In Truancy Prevention Dialogue and Mediation, a mediator facilitates a conversation with a student, parents or guardians, and school personnel about the issues surrounding the student's absence from school and what can be done to address them. Following the trainings, a number of CDRCs began working with their local school districts to lay the groundwork for offering this service.

More CDRCs are offering mediation as a response to legislation regarding Persons In Need of Supervision (PINS), which requires counties to provide "diversion services," including mediation and family-team conferencing, to young people at risk of becoming the subject of a PINS petition and their families. CDRCs in 15 counties have signed contracts or memorandums of understanding with the lead PINS agencies in their respective counties. PINS cases typically involve young people who have been truant, have run away from home, or are not able to be controlled by their parents. Through mediation, families, schools and social service agencies are often able to address matters that disrupt growth, education and development before they become PINS cases in Family Court.

For more information about juvenile justice and educational programming, contact Alice Rudnick.

School Services Provided by CDRCs

- Peer Mediation Training
- Conflict Resolution Training
- Conflict Education
- Anti-Bullying Workshops
- Group Facilitation
- Family Team Conferencing
- Pre-PINS Mediation

202 = Number of Schools Served by CDRCs This Year

131 = Number of School Districts Served by CDRCs This Year

"Thanks to you, this was the first time in three months that I was able to talk to my daughter."

– MEDIATION PARTICIPANT FROM COMMON GROUND DISPUTE RESOLUTION, INC.

success story

Juvenile justice programs offer another tailored service for young people. One CDRC in Central New York has partnered with its county probation department on a restorative justice project focusing on coed youth between the ages of 12 and 15. Through this program, one young man was able to share his struggles with a center staff member. He had been picked on at his high school for being biracial and had also been suspended from school, which led to challenges at home. After a difficult argument with his mom, the young man asked to set up a mediation with his family. The mediation center was able to involve the young man, his mom, and his dad in a mediation that allowed the family to talk in a way they had not been able to before. Some time after the mediation, the center received a thank you letter from the mom, who stated that she observed a tremendous change in her son since the mediation.

ELDER ADULT DIALOGUE AND MEDIATION

In the past year, more than two thousand adults over age 60 were served by their local CDRCs. In response, ADRCIP has worked with the CDRCs to increase access to mediation for elder adults, their families and communities. Elder adult dialogue and mediation provides a forum to discuss conflicts that often surround the transitions of aging, such as living arrangements and medical care, as well as the issues faced by the rest of the population, such as landlord/tenant and business/consumer disputes. This year, CDRCs across the state worked to build local programs that provide both specialized training for mediators and education for senior service providers in their communities. These CDRCs are targeting their outreach and service efforts by forming local task forces, hosting community forums, and presenting at senior centers.

To support the work of these centers, ADRCIP provided technical assistance to 11 CDRCs that provide these services in 22 counties. ADRCIP continued to provide special training for CDRC mediators in elder adult dialogue and mediation. This year,

“I’m very glad we’re focusing a lens on this area of the population.”

– KATHIE GREENBLATT, EXECUTIVE DIRECTOR OF CATHOLIC CHARITIES OF DELAWARE AND OTSEGO COUNTIES

“Thank you for helping me and my mother with this case...now I know that me and my mother are going to understand each other more and that she could trust me again.”

– MEDIATION PARTICIPANT FROM THE INSTITUTE FOR MEDIATION AND CONFLICT RESOLUTION, INC.

ADRCIP authored a training curriculum and manual and conducted training for the Dispute Resolution Center, Inc. in Goshen, New York. Trainings will be offered at several more CDRCs in the next year.

In addition to working with CDRCs to develop their capacity to offer these much needed services, ADRCIP has been active in supporting the development of court-connected elder adult dialogue and mediation programs. Building on past mediation trainings and technical assistance provided by ADRCIP, Dan Weitz,

Court Attorney Referee Jeff Grabowski, and Alice Rudnick presented a two-day training for the Model Guardianship Part in Suffolk County. The Model Guardianship Part, led by Judge H. Patrick Leis, seeks to develop best practices as related to handling high conflict guardianship cases. Mediation will become incorporated into approaches used by the court.

success story

In many cases, mediation can help people clarify their situation so that they can make decisions that positively impact their relationships with the people around them. In this case, a relationship was transformed even though one of the people involved never participated in the mediation sessions.

The Mediation Center of Dutchess County, Inc. (MCDC) is one CDRC that is targeting its services to the elder adult population. This year, one of MCDC's mediation referrals was for two neighbors at a senior residential facility. The downstairs neighbor complained of excessive noise coming from her upstairs neighbor. Since the upstairs neighbor did not want to mediate, the downstairs neighbor agreed to mediate with the building administrator. Although the two of them were able to identify ways of addressing the noise concern, the problem continued. Several months later, they returned to mediation, this time including the family of the downstairs neighbor. Together, they developed a plan that included the decision to notify the police if the situation worsened.

Following this second mediation, the building administrator called MCDC to let them know that the downstairs neighbor had left the session with the clear notion that nothing would change unless she could find a way of communicating with her neighbor. She determined that the next time she was able to sleep through the night undisturbed, she would go to her neighbor the following morning to thank her.

When this day arrived, the upstairs neighbor was so astonished that she invited her neighbor in for coffee. A few days later, the downstairs neighbor heard a thump on her ceiling and rushed upstairs to find that her neighbor had fallen. She helped her up and bandaged her cut. Now, when the downstairs neighbor hears noise upstairs, her only thought is concern for her friend.

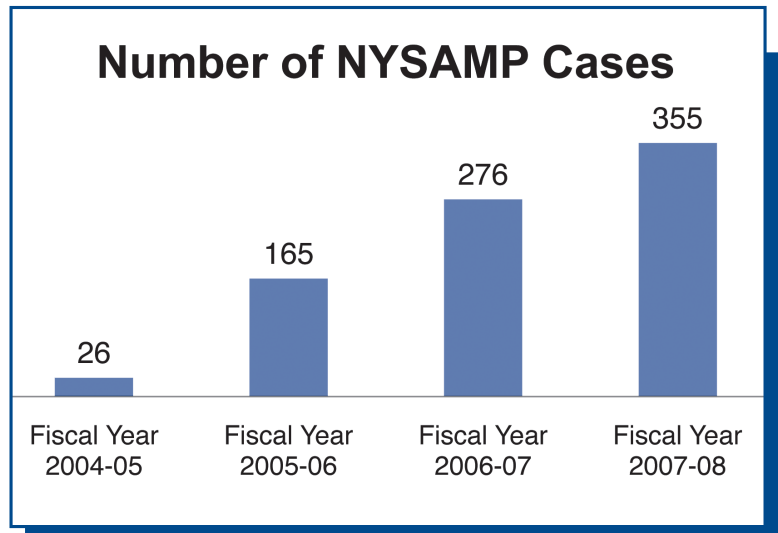
For more information about elder adult dialogue and mediation, contact Alice Rudnick.

NYSAMP's Roots Take Hold

The New York State Agricultural Mediation Program (NYSAMP) continues to grow and today serves an unprecedented number of New York farmers. NYSAMP's caseload has increased by more than tenfold in the last four years through partnerships with local CDRCs and a strong focus on developing CDRC capacity to serve the agricultural community.

NUMBER OF NYSAMP CASES

"This exciting increase in the number of farmers using community mediation services indicates that NYSAMP is starting to reach its potential as a vehicle to help CDRCs connect with the agricultural community," says Mark Collins, Assistant Coordinator of ADRCIP. Thanks to more focused outreach on the local level, NYSAMP has helped farmers in a wide range of different types of conflicts including small claims and credit, right to farm complaints, neighbor complaints, labor problems, custody and visitation, separation and divorce, family farm succession and USDA appeals.



As one of 37 state programs funded by the United States Department of Agriculture, NYSAMP is a collaboration of the New York Dispute Resolution Association (NYSDRA) and ADRCIP. For more information about NYSAMP, please visit WWW.NYSAMP.COM.

For more information about NYSAMP, contact Daniel Kos.

"I am the 4th generation in my family running this dairy farm. For 15 years, my wife and I have worried about the mounting debt. We can finally sleep through the night. Thanks to the mediation program, a part of our debt was forgiven and the rest is in a settlement plan we can live with. We hope to pass this on to the 5th generation."

— MEDIATION PARTICIPANT FROM NORTH COUNTRY CONFLICT RESOLUTION SERVICES

NYSDRA also contracts with a number of other state agencies and provides the following ADR services through the CDRC network:

- Lemon Law Arbitration
- Special Education Mediation
- Manufactured Housing Mediation
- Early Intervention Mediation
- Vocational Rehabilitation Mediation

STUDY EXPLORES CORE VALUE OF COMMUNITY MEDIATION

One of the core values of community mediation is that volunteer mediators should reflect the demographic characteristics of the community served and that mediators should be selected with sensitivity to cultural diversity. This value led ADRCIP and Alison Morantz of Stanford University to develop a study exploring how mediator assignments might be connected to agreement rates and parties' level of satisfaction with the process.

Since the study has the potential to inform the way centers conduct intake interviews, screenings for appropriateness, volunteer recruitment and volunteer training, the study was developed with ongoing input from CDRC directors.

In early 2008, two centers began the pilot phase of the project. The Center for Dispute Settlement's Livingston County office and Safe Horizon's Brooklyn Mediation Center were chosen as pilot sites because of their geographic differences and demographic representation. Staff and mediators at each site implemented the study by collecting demographic information from parties and administering a survey after mediation sessions. ADRCIP plans to expand the project to other sites throughout New York after the pilot ends.

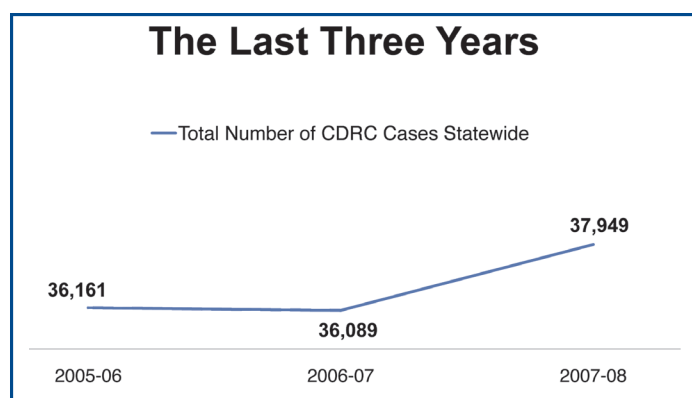
For more information about the research project, contact Rebecca Koch.



Safe Horizon staff members prepare for the research project during a training with ADRCIP.

"Even though we didn't come to an agreement, I'm glad we did this. It gave me a chance to have the conversation I never had before."

— MEDIATION PARTICIPANT FROM THE CENTER FOR DISPUTE SETTLEMENT, INC.



HOW LONG DOES IT TAKE?

FROM FIRST INTAKE CONVERSATION TO COMPLETION OF MEDIATION/ARBITRATION

17 days = Single-session Mediation/ Arbitration

68 days = Multiple-session Mediation/Arbitration

MORE DETAILED CASE DATA IS AVAILABLE AT http://www.nycourts.gov/ip/adr/stat_graphs.shtml.

ADRCIP ALSO PUBLISHES A STATISTICAL SUPPLEMENT EACH YEAR THAT IS AVAILABLE UPON REQUEST.

CONSUMERS AND CREDITORS COME TO THE TABLE

In Manhattan Civil Court, the credit card cases were pouring in, and 11 month waits for trials were the norm. Consumers were spending days in court with their creditors, and judges' calendars were full.

In March 2007, Manhattan Civil Court Administrative Judge Fern Fisher, working with the Manhattan Mediation Center of Safe Horizon, decided to create a special part within the court to mediate these cases. Safe Horizon coordinates the program, receiving referrals from the court and managing a team of five to eight mediators every Friday, when cases are mediated on-site at the court. Mediators for the program have received standard civil court training as well as additional training in consumer credit issues. The training was conducted by Lisa Courtney, then of the Civil Court mediation program, with presentations from judges, client advocates, clerks and attorneys.

More than a year later, the program is a great success. For consumers and creditors, mediation has reduced the amount of time people must spend in court – rather than waiting months for a court date, parties who mediate can resolve their cases in hours, never having to return to court. Coordinator Charles Schnall noted that agreements in these cases are common, but when they do not occur, “it very frequently softens the positions [of both parties]. Even though the case might not end in an agreement...as a result of the mediation the judge is more easily able to reach a stipulation.”

HOW CASELOADS HAVE INCREASED 2006-07 TO 2007-08

CASE TYPE	PERCENTAGE INCREASE	FOR MORE INFORMATION
Agricultural	8%	p. 11
Civil Large Claim	28%	p. 13
Guardianship	366%	p. 9-10
Juvenile Delinquency	17%	p. 8-9
Misdemeanor-Violation	13%	
Parenting Issues	5%	p.5-6
Peer Mediation	67%	p. 8
Probate & Estate	29%	

When Money Changes Hands— Through Mediation Agreements or Arbitration Awards

**\$1,965 = Average Payment per
Case This Year**

**\$7,259,759 = Total Payments
Made This Year**

“I was an out-of-work EMT technician and I was in the embarrassing and ironic position of being sued in Small Claims Court for an unpaid bill for EMT services for a member of my family. Mediation not only gave me an opportunity to explain my situation and come up with a payment plan, but the EMT company suing me offered me a job. I can tell you that would have never happened in court.”

– MEDIATION PARTICIPANT
FROM NORTH COUNTRY
CONFLICT RESOLUTION
SERVICES

SUPPORTING MEDIATOR EXCELLENCE

HOW TO BECOME A MEDIATOR FOR A CDRC

In order to become a mediator for a CDRC, volunteers must complete 30 hours of initial mediation training provided by a CDRCP-certified trainer (for a list of certified trainers, see p. 19). The CDRCP requires that mediators be trained in the dynamics of conflict, listening and questioning skills, cultural diversity, ethics, the limits of mediation, and agreement writing, among other topics. After the initial training, volunteers must complete an apprenticeship with their local CDRC.

The apprenticeship process allows CDRCs to monitor the development of their newest potential mediators. During this period, apprentices learn from experienced mediators by mediating or co-mediating at least two structured role-plays, observing at least one actual mediation session, and mediating or co-mediating at least five cases under the direct supervision of a coach, mentor or staff person. After at least one of these mediations, apprentices will debrief with staff or complete a self-evaluation instrument. Finally, CDRC staff will observe each apprentice and provide a written assessment.

1356 = Number of Active Volunteer Mediators Statewide

229 = Number of New Mediators This Year

Once the new mediator feels ready and the center is confident in his or her abilities, a mediator is certified by the local CDRC (not the state) and is eligible to mediate cases without a mentor. In order to retain certification, CDRC mediators must mediate a minimum of three cases per year and complete at least six hours of continuing education, which is often provided by the CDRC. Trainings offered by ADRCIP often provide continuing education credit for mediators (see p. 15-16).

New York's volunteer mediators are an integral part of the CDRCP, which mediates more cases than any other statewide program. Collectively, these highly trained volunteers make up the most vibrant network of community mediators in the nation.

For more information about becoming a mediator, contact your local CDRC.

THIS YEAR'S MEDIATOR MILESTONES

25 YEARS

PETER BIBBY
ROGER BRACH
BILL CARROLL
JOAN CRAPARO
MARY GRATEREAUX
BILL HARRELL
HANK KOZLARK
LELA LOVE
RICHARD MANDELL
KATHY NAVARETTE
WILLIAM PASKEY
WILLIAM POWELL
JUDITH A. SAUL
KEN STEWARD

20 YEARS

ROBERT ADLER
URANIA G. ANDERSON
RON CLEVE
JEAN CRIDER
JAMES HOWARD
STEVE LALONDE
CAROL LIEBMAN
CAROLYN MEISEL
PETER MILLER
MELODY MORDOCK
LETITIA ROSENTHAL
HAROLD RUBIN
DAVID STERN
SUZIE SULLIVAN
NANCY URSPRUNG

15 YEARS

GLORIA BERNSTEIN
CLAUDIA CIUCCI
DEVIN COHEN
JANET DARDIK
RUBY DAVIS
DESMa DECARLI

THIS YEAR'S MEDIATOR MILESTONES**15 YEARS**

JUAN FELIX
 RUBY FIGUEROA
 TIM FOGARTY
 VILMA FRANCE
 MARIA HERNANDEZ
 "NED" EDWARD HOLMES
 SYLVESTER JOHNSON
 KARLEEN KARLSON
 BARBARA KOTT
 ILMA LEVINE
 CATHERINE MACDONALD
 MARVIN MARKOWITZ
 ROBERTA MARKOWITZ
 MAUREEN MCCOY
 DEBRA MOSKOWITZ
 TITUS RICH, JR.
 ELIZABETH SANTANGELLO
 SCOTT SEARS
 KATHRYN SLINING-HAYES
 DOUGLAS SMITH
 SAMUEL SIMON
 LINDA SUE BERNIS
 RON VERO
 DAWN WALLANT
 HOPE WINTHROP

ADRCIP SUPPORTS CONTINUING EDUCATION FOR CDRC MEDIATORS

ADRCIP strives to provide educational opportunities for volunteer mediators through training grants to CDRCs, free or low cost trainings and in-service trainings conducted by ADRCIP staff. Each year, ADRCIP sponsors trainings in both skill development and topical discussion of current trends in the field.

This year, the New York City training for mediators was set up as a one-day conference in March at Fordham Law School, featuring a panel discussion on cultural competency and a keynote address by Jerome Barrett. Also included were workshops on "Dissecting the Don Imus Dispute" and "Dealing with Emotions in Mediation," as well as interactive sessions on parent-teen mediation and working through tough moments in mediation. All of these sessions were designed to expose mediators to new skills, theories and educators.

ADRCIP encourages local CDRCs to create training opportunities appropriate to the communities they serve. To that end, ADRCIP issued a Request for Proposals (RFP) for training to the CDRCs. A majority of CDRCs applied for training funds for projects specially designed to meet local needs, and four projects were funded. The trainings themselves were held in late 2007 and early 2008.

Three centers hosted trainings for mediators through this program. The Dispute Resolution Center, Inc. provided an Elder Adult Mediation and Dialogue training day with trainers Roz Magidson and Alice Rudnick and a two-day Advanced Workplace and Interpersonal Mediation training

"As a mediator, you often can see that moment when the breakthrough comes. To be part of the process that makes that happen is unbelievably rewarding. I often think how fortunate I was to happen upon the opportunity to become a mediator."

— MEDIATOR FROM THE DISPUTE RESOLUTION CENTER OF CHENANGO, DELAWARE AND OTSEGO COUNTIES



Mediators at a Dispute Resolution Center, Inc. advanced training.

with Winnipeg-based trainers David Falk and David Dyck. The Mediation Center of Dutchess County, Inc. worked with Jeff Shepardson of CDRC, Inc. on a training promoting the use of volunteers in outreach efforts to the community. The Dispute Resolution Center of Chenango, Delaware and Otsego Counties developed a skills-based training on Mediator Impartiality and Personal Bias by working with Perry Berkowitz and Stephen Birchak, professors from the College of Saint Rose. These training events were attended by mediators from the centers sponsoring them as well as by other area CDRC mediators.

COMMITTEE TACKLES ETHICAL DILEMMAS FOR CDRCs

The Mediator Ethics Advisory Committee (MEAC) was created in 2006 to respond to ethical inquiries from CDRC mediators and staff and to promote both professional development and consistent practice in the dispute resolution field. The 13-member committee also recommends changes to the Standards of Conduct for CDRC Mediators promulgated by ADRCIP in 2005.

Since its inception, MEAC has published opinions responding to inquiries including:

- Whether mediator confidentiality can extend to a mediator who is employed by a private agency that provides support services to other professionals in an inter-disciplinary practice work setting (and, if so, whether contractual funding requirements preempt the mediator's confidentiality duties).
- Whether a mediator, who is also a notary, can act as a notary during a mediation session.
- Whether a mediator is obligated to report a fraud that the mediator believes has been committed.

MEAC members are drawn from geographically diverse communities in New York State, each serving terms of staggered lengths. The Committee members may be volunteer CDRC mediators, employees of a CDRC or other ADR scholars and professionals.

A website (www.nycourts.gov/ip/adr/meac.shtml) that includes the published opinions went live this year and will later be enhanced to include the CDRC Standards of Conduct and further resources and materials for mediators, CDRC staff and members of the public.

For more information about the Mediator Ethics Advisory Committee, contact Sheila Sproule or visit www.nycourts.gov/ip/adr/meac.shtml.

MEDIATOR ETHICS ADVISORY COMMITTEE MEMBERS THIS YEAR

DAN WEITZ, Chair
SHEILA SPROULE, Vice Chair
AMY SHERIDAN, Counsel
RAYMOND BAKER
SIMEON BAUM
ALFRED CHAPLEAU
CHARLOTTE CARTER
MELANIE CHAPEL
BRENDA EPISCOPO
GENE A. JOHNSON, JR.
LELA LOVE
JODY MILLER
JACQUELINE NOLAN-HALEY
JUDITH A. SAUL
HOPE WINTHROP



Sheila Sproule delivers an ethics in-service at the Mediation Center of Dutchess County, Inc.

CDRCP CERTIFIES MEDIATION TRAINERS

The CDRCP certifies mediation trainers in the areas of basic community mediation as well as custody and visitation mediation. By certifying mediation trainers, the CDRCP ensures that volunteer mediators are provided with the highest quality training and preparation. Trainers interested in becoming certified must complete a demanding application and interview process followed by six months of extensive preparation with ADRCIP. The process culminates in an in-person observation of a complete training. This year, ADRCIP received applications from three trainers. ADRCIP would like to thank certified trainers Elizabeth Clements and Duke Fisher for their assistance in reviewing applications and interviewing trainers for possible certification.



*Michelle Leonard, Esq.,
Director of Mediation Services*

Michelle Leonard, Esq., Director of Mediation Services for the New York City Family Mediation Program and Queens Mediation Network for Community Mediation Services, Inc. in Jamaica, New York, was certified as a custody and visitation mediation and basic community mediation trainer this year. A graduate of Touro Law Center, Ms. Leonard has extensive experience as a mediator in custody and visitation, PINS, parent-child and community disputes. Sheila Sproule observed Ms. Leonard for certification: “We are pleased that Ms. Leonard has joined the roster of certified trainers. Her enthusiasm for training volunteer mediators, coupled with her experience in the field, will be a great asset to the CDRCP.”

In order to continue to assure the highest quality of mediation training for volunteer mediators, the CDRCP launched enhanced standards for trainer recertification. To remain on the panel, trainers have to maintain increased annual standards in continuing education and training activity. Most notably, the office has begun observing certified trainers at least once every five years. The observation process includes a detailed review of training materials, agendas, and an in-person observation of at least one day of training.

For more information, contact Daniel Kos.

Each year the office plans to recertify roughly five trainers. This year, the following trainers were recertified:

- Lela Love
- John McCullough
- Judy Saul
- Josh Stulberg
- Andrew Thomas

SUPPORTING QUALITY TRAINING

Whether training volunteer mediators at their center, children at schools, or employees at a business, providing high quality mediation and conflict management training is an important part of CDRCs' missions. CDRC staff members present thousands of hours of training in their local communities each year. In order to build their capacity to provide high quality training, ADRCIP offers workshops intended to develop the skills of both new and experienced trainers.

In June, Dan Weitz, Frank Woods and Daniel Kos led a two-day workshop titled "Basics of Training Design and Delivery." The intensive workshop was attended by 25 CDRC and CASA program staff and covered adult learning theory, training design and planning, training delivery, and platform skills. A participant summarized the value of the training: "The training was excellent and very informative. I especially got a lot of personal and professional growth discussing and reflecting on adult learning theory. I can't wait to implement these ideas in my next training."



Certified trainer Leslyn McBean-Clairborne with a group of mediation trainees from CDRC, Inc.

**3,074 = Total Hours of Mediation and Conflict Management Training
Provided by CDRCs This Year**

**8,794 = Total Number of People Trained by CDRCs in Mediation and Conflict
Management This Year**

CDRCP-CERTIFIED TRAINERS

Trainer Name	Certification		Affiliation
	Initial Mediation Training (30-hour)	Custody and Visitation Mediation Training (12-hour)	
Patricia Barnes	●		Pace University
Adam Berner	●	●	Law and Mediation Office of Adam J. Berner
Jenny Besch	●	●	The Westchester Mediation Center of CLUSTER
Beryl Blaustone	●		CUNY Law School at Queens College
Rodney Brown	●		Brown, Brown & Associates
Elizabeth Clemants	●		Draft, Inc.
Ivan Deadrick	●		Center for Court Innovation
Donna Durbin		●	Center for Dispute Settlement, Inc.
Duke Fisher	●	●	Learning Laboratories
Peter Glassman	●		Mediation Matters
Lynne Hurdle-Price	●		Hurdle-Price Professionals
Gene A. Johnson, Jr.	●		Safe Horizon
Donna Kankiewicz	●	●	Dispute Resolution Center of Chenango, Delaware, and Otsego Counties
Karleen Karlson	●		Albany Law School
Mark Kleiman	●	●	Community Mediation Services, Inc.
James Kornbluh	●	●	Kornbluh Consulting
Beth Kurkoski		●	ACCORD, A Center for Dispute Resolution, Inc.
Michelle Leonard	●	●	Community Mediation Services, Inc.
Carol Liebman	●		Columbia Law School
Lela Love	●		Benjamin N. Cardozo School of Law
Rosalyn Magidson	●	●	Dispute Resolution Center, Inc.
Leslyn McBean-Clairborne	●	●	CDRC, Inc.
John McCullough	●	●	New Justice Conflict Resolution Services, Inc.
Jody Miller	●	●	Mediation Center of Dutchess County
Bridget Regan	●		International Center for Cooperation and Conflict Resolution at Columbia University Teachers
Eileen Rowley	●		Dispute Resolution Center, Inc.
Judith A. Saul	●	●	CDRC, Inc.
Beth Schwartz	●	●	Fordham Law School
Stephen E. Slate	●		Institute for Mediation and Conflict Resolution, Inc.
Joseph B. Stulberg	●		Ohio State University College of Law
Andrew Thomas	●		ALT Associates
Chris Watler	●		Harlem Community Justice Center

BUILDING CAPACITY

MINI-GRANTS SUPPORT CDRCs' GROWTH

This year, the CDRCP mini-grants program was reinstated. Mini-grants are generally less than \$5,000 and make funding available to CDRCs for strategically determined focus areas that either address specific community needs or enhance the knowledge capital of the CDRCP network. This year, these were the four specific areas for which funding was available: developing of an engaged and high-functioning agency Board of Directors; developing new program areas or expanding existing successful programs; implementing new initiatives to improve the quality of community mediation practices; and publishing a description of an established, innovative program component.

About one quarter of all CDRCs submitted proposals for funding. ADRCIP ultimately provided funding to the following three CDRCs:

- Dispute Resolution Center, Inc. for the expansion of its successful program that provides visitation mediation/conciliation and support services to prison inmates in two federal prisons in Orange County. The program helps inmates to establish contact with their children and the custodial parent/guardian. The mini-grant funded outreach and program development to state prisons in the area.
- Dispute Resolution Center of Chenango, Delaware and Otsego Counties for the development of an Elder Adult Dialogue and Mediation program. The mini-grant enabled the center to convene stakeholder meetings, conduct outreach to key referral sources, create policies and procedures, and train staff.
- Mediation Center of Dutchess County, Inc. for conducting a thorough needs assessment and creating an advisory committee to explore the level of need for divorce mediation services for low and moderate income clients.

In the interest of supporting upgrades to infrastructure, ADRCIP provided grants for technology and equipment for CDRCs in late 2007. CDRCs applied via a competitive process, and 12 were funded for projects such as desktop computer upgrades and the installation of an office voice mail system to increase privacy for parties calling a CDRC. The following CDRCs received technology and equipment grants this year:

- ACCORD, A Center for Dispute Resolution, Inc.
- CDRC, Inc.
- Common Ground Dispute Resolution Center, Inc.
- Dispute Resolution Center, Inc.
- Dispute Resolution Center of Chenango, Delaware and Otsego Counties
- Mediation Alternative Project
- Mediation Center of Dutchess County, Inc.
- New York Center for Interpersonal Development's Conflict Resolution Services
- North Country Conflict Resolution Services
- The Peacemaker Program, Inc.
- Resolution Center of Jefferson and Lewis Counties, Inc.
- The Westchester Mediation Center of CLUSTER

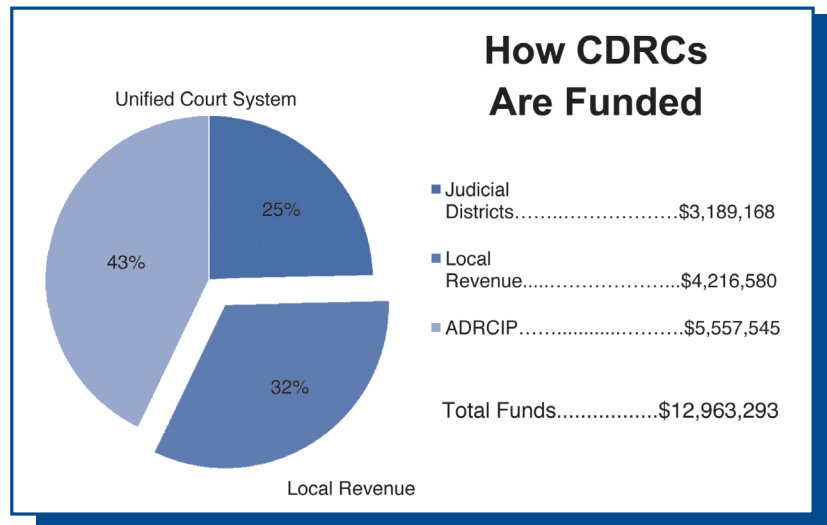
CENTERS CAPITALIZE ON TRAINING OPPORTUNITIES

In 2006, ADRCIP launched the Resource Development Workshop Series. The series focuses on enhancing the capacity of contract agencies to secure local funding and other resources. ADRCIP believes that by helping to build this capacity among CDRCs, state community mediation funding can be leveraged into an even greater impact in local communities.

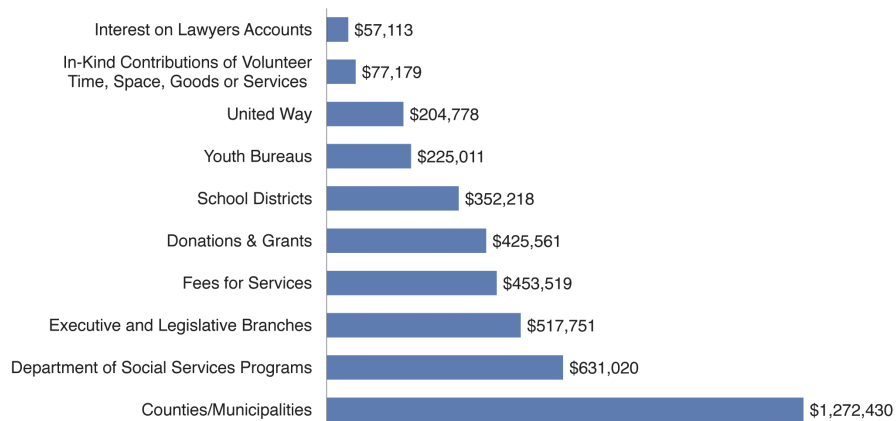
Following the success of a grant writing workshop in 2006, this year the workshop focused on raising money from individuals. P. Burke Keegan, a nationally known fundraising consultant and author of *Fundraising for Nonprofits*, trained an enthusiastic group of staff and board members from CDRCs and other ADRCIP contractors (CASA programs, Children's Centers, and Parenting Education). Dr. Melody Mordock, Board President of the Mediation Center of Dutchess County, Inc., expressed her thoughts about the two-day workshop held in Saratoga Springs, New York:

"I am very impressed that ADRCIP has the vision and the commitment to bring such a quality trainer to help us expand our capacity to provide resources for our CDRCs. As I bring these ideas back to my organization's board and staff, I am sure that this training will yield a great ripple effect."

The series will continue next year with workshops on conducting special events and writing fundraising appeal letters.



Who Supports CDRCs Locally



Low Cost

**\$230 = Total UCS Cost per Case
Screened**

**\$424 = Total UCS Cost per Case
Conciliated, Mediated or
Arbitrated**

**\$90 = Total UCS Cost per Individual
Served**

High Return

**75% of Cases Conciliated, Mediated
or Arbitrated Resulted in an
Agreement or Final Decision**

Demographic trends are showing that many leaders of nonprofit organizations are nearing retirement age, so the nonprofit sector has recognized the great need for organizations to plan for these transitions. In response, ADRCIP organized two trainings in Geneva and Poughkeepsie to address Succession Planning, attended by staff and board members from CDRCs and other ADRCIP contract agencies. Presented by Newell Eaton, the former Director of Strategic Planning for the NYS Office of Children and Family Services, the trainings addressed how organizations can effectively manage changes in leadership and key staff while still maintaining a high level of services. One participant shared after the training, “I did not know where to begin with my transition – now I am solid in my direction.”

AUDITING A CDRC

Each year, at least one randomly selected CDRC is audited by the New York State Unified Court System’s Office of Internal Audit. This year, Community Mediation Services, Inc. (CMS), which operates the Queens Mediation Network, underwent this audit. The audit team reviewed expenditures, inventory records, personnel files and other policies of the CMS for an entire year. ADRCIP staff members were involved after the audit was completed to ensure that audit recommendations were followed. The goal of the internal audit is to determine that funds provided to the dispute resolution organization were spent in accordance with the Unified Court System’s fiscal and program requirements.

ADRCIP AT WORK

PROGRAM CREATES A SPACE FOR DIALOGUE

A mourning mother wished she could get some answers about what really happened on the day her 20-year-old son was murdered eight years ago. She learned of a way for her to meet with the young man responsible for her son’s death. He voluntarily agreed to participate in a facilitated dialogue session. During the three-hour session, the mother asked him about the events of that day and why it escalated to the point of murder. The young man was able to help the mother by answering her questions and expressing how sorry he was for his actions on that day. Two months after the dialogue, both mother and young man said that the session had helped mitigate their nightmares and offered them great hope for opening new chapters in their lives in the wake of their unfortunate relationship.

In collaboration with the New York State Department of Corrections, Office of Victim Services, ADRCIP coordinates dialogues between victims of violent crime and their families with offenders who are incarcerated in a New York State prison, similar to the one depicted above. The program, referred to as Victim-Offender Dialogue (VOD), seeks to aid victims in their journey toward healing and to increase understanding for both victim and offender. VOD began in 1990, when the first two dialogues were aired on the HBO network.

Victims and their families must initiate the dialogue; offenders cannot request dialogues with victims under this program. Trained facilitators travel to the victim's home county – often meeting at the local CDRC – to talk about the VOD process and why they are interested. Victims choose to participate for a variety of reasons: to hear why and how the crime happened, to tell the offender how it affected them and others, to lessen the fear of a repeat crime or retribution, to learn what the offender has done to prepare himself or herself for eventual transition to the community, to further their healing process and to lessen the severity of the trauma associated with their loss or criminal victimization.

Facilitators want to ensure that the victim can benefit from a dialogue process and that the process will be emotionally and physically safe. If the victim is interested, facilitators travel to the correctional facility to meet with the offender, again describing the process but also assessing whether the offender admits guilt, is remorseful, and wants to help the victim in the process. An offender may choose to participate in a VOD to show remorse and accountability, to apologize to the survivor, to describe to the victim what progress and changes have been made since the crime, to move toward making amends, and to try to begin repairing the harm committed by his or her action.

At the dialogue, victims, their families, and the offender meet with the facilitator to discuss the crime and the impact it has had on all of them. For participating, offenders receive no tangible benefits related to their sentence, but they can benefit greatly from the opportunity to express remorse for their crime.

Immediate feedback from both victims and offenders participating in a VOD has been incredibly positive. One woman who recently met with the man who murdered a family member said, “The VOD process is certainly not for everyone, but it should be made available to anyone who needs it. The process doesn't even have to end in a dialogue to be helpful. Simply organizing one's thoughts about what one would say if given the opportunity can be beneficial. In my case, the dialogue itself was very helpful.” ADRCIP and Corrections staff conduct individual follow-up evaluation meetings with participants after dialogues in order to integrate their feedback into the process.

This year, the program worked on eight cases involving 10 victims and eight offenders, which resulted in 21 screening meetings with victims and offenders and three dialogue sessions between victims and offenders.

For more information about VOD, contact Mark Collins.

ADR ORGANIZATIONS COME TOGETHER TO PROMOTE MEDIATION

ADRCIP is part of the New York Mediation Alliance (NYMA), an affiliation of alternative dispute resolution organizations in New York State and other interested persons committed to increasing the awareness of the dispute resolution field. The group's intent is to raise public awareness of mediation and other ADR processes by expanding public understanding of core values and the varied situations that can benefit from mediation.

Current groups participating in this effort include ADRCIP, the New York State Council on Divorce Mediation, New York State Dispute Resolution Association, Family and Divorce Mediation Council of Greater New York, and the Association for Conflict Resolution of Greater New York. This year, NYMA contracted with a consulting agency to develop a marketing and public relations plan. A strategic, comprehensive marketing plan was created for NYMA that will focus on nonpaid media opportunities, strategic alliances and grassroots efforts.

Throughout the year, ADRCIP participates in education and outreach efforts by presenting at state, national and international conferences. The following are some examples of the many conferences at which staff presented and facilitated:

- AARP Foundation National Aging in Law Conference
- Aging Concerns Unite Us Conference of New York State
- American Bar Association Dispute Resolution Section National Conference
- Association for Conflict Resolution Greater New York Chapter Annual Conference
- Association of Family and Conciliation Courts (AFCC) 44th Annual Conference
- AFCC New York Chapter's Annual Conference
- A Conversation about Justice Issues in Rural New York: Planting the Seeds for Collaborations and Partnerships
- "Law as a Healing Profession" Conference at Touro Law School
- National Elder Mediation Network
- Nebraska Open Forum: The Future of ADR in Family Law
- New York Association of Family and Conciliation Courts
- New York Public Welfare Administrators Summer Association Conference
- New York State Office for Aging and New York State Association of Area Agencies on Aging Annual Conference
- Pennsylvania Joint Staff Government Commission Meeting
- Shanghai Administrative Dispute Resolution Workshop, Shanghai, China – sponsored by The China Law Center of Yale Law School

For more information about NYMA, contact Mark Collins.

OFFICE OF ALTERNATIVE DISPUTE RESOLUTION AND COURT IMPROVEMENT PROGRAMS

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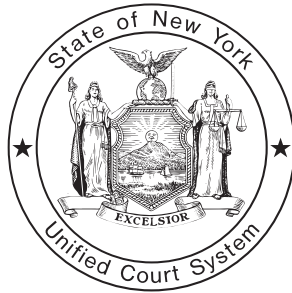
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NEW YORK STATE UNIFIED COURT SYSTEM

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